

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2015-O-24

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO ESTABLISHING INITIAL ZONING FOR
PROPERTY KNOWN AS LOTS 1 THROUGH 5, BLOCK 1,
SOUTHCREEK SUBDIVISION FILING NO. 8 AS GENERAL
COMMERCIAL (CG) UNDER THE LAND DEVELOPMENT CODE AND
AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, SouthCreek Investors, LLC has filed that certain petition for annexation with the City of Centennial (the “Petition”) requesting the annexation of certain property commonly known as the SouthCreek development, including certain rights-of-way as more particularly described in the Petition, which is located generally north and east of the intersection of East Broncos Parkway and South Jordan Road, which property is generally described as Parcel Two within the annexation parcel description set forth in the Jordan Road Annexation No. 1 map, and which property is described with particularity in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, on October 19, 2015, following the conclusion of a duly noticed public hearing, the City Council of the City of Centennial adopted Ordinance No. 2015-O-21 (the “Annexation Ordinance”) annexing the Property into the City of Centennial pursuant to and in accordance with those certain terms and conditions set forth in the Annexation and Development Agreement by and between the City and SouthCreek Investors, LLC, a copy of which is on file with the City Clerk’s Office (the “Annexation Agreement”); and

WHEREAS, as required by C.R.S. § 31-12-115(2) and applicable provisions of the City’s 2011 Land Development Code (the “LDC”), property annexed to the City must be zoned pursuant to the City’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinance; and

WHEREAS, at the same public hearing conducted on October 19, 2015, the City Council considered establishing the initial zoning of the Property as City of Centennial General Commercial (CG), as modified by the terms and conditions of the Annexation Agreement; and

WHEREAS, the City of Centennial Planning and Zoning Commission considered the proposed initial zoning of the Property at a duly noticed public hearing held on October 14, 2015, and subsequently forwarded its favorable recommendation to City Council; and

WHEREAS, public notice has been properly given of such proposed initial zoning of the Property by publication, in *The Villager*, a newspaper of general circulation within the City of Centennial, and by mail notification of adjacent property owners in accordance with the applicable provisions of the LDC; and

WHEREAS, in accordance with the LDC, a public hearing was held before the City Council at 13133 E. Arapahoe Road, Centennial at which time evidence and testimony were presented to the City Council concerning said initial zoning proposal; and

WHEREAS, the administrative record for this case includes, but is not limited to, the City of Centennial 2011 Land Development Code, the City of Centennial Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Centennial policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the property owner(s), any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Community Development Department pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City's Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the LDC; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the LDC by setting a public hearing in order to provide the owners of the Property and the public an opportunity to present testimony and evidence regarding the application. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed initial zoning.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Initial Zoning of Property Established. The City Council hereby establishes the initial zoning of the Property as General Commercial (CG), subject to the applicable terms and conditions of the Annexation Agreement.

Section 3. Amendment of Zoning Map. The Official Zoning Map of the City of Centennial shall be amended to conform to and reflect the Property's CG zoning. The Community Development Department is directed to change the zoning of the Property on the City's Official Zoning Map and to make any technical corrections to the Official Zoning Map necessitated by the initial zoning of the Property established by this Ordinance.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive

any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ____ DAY OF _____, 2015.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2015 and ordered published one time by title only in *The Villager* newspaper on _____, 2015, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 2015, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2015, and ordered published by title only, one time by *The Villager* newspaper on _____, 2015 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

Published in full on the City of Centennial website, www.centennialcolorado.com, on Thursday, October 5, 2015.

/s/ Barbara Setterlind, CMC, City Clerk

EXHIBIT A

(Legal description of Property)

Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Block 1,
SouthCreek Subdivision Filing No. 8,
County of Arapahoe,
State of Colorado

As per the plat thereof recorded on March 3, 2010, at
Reception No. D0020608 in the real property records of
Arapahoe County, Colorado.